

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. H-15-510
	§	
GREGG CARL BAIRD	§	

**DEFENDANT’S UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE PRE-TRIAL MOTIONS
AND A CONTINUANCE OF THE TRIAL SETTING**

TO THE HONORABLE DAVID HITTNER:

Gregg Carl Baird, files Defendant’s Unopposed Motion For An Extension Of Time To File Pre-Trial Motions And A Continuance Of The Trial Setting, and for cause would show as follows:

I.

Defendant is charged with receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(B) (count one); access with intent to view child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) (count two); and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) (count three). United States Magistrate Judge Stephen Wm. Smith ordered his detention pending trial on September 10, 2015. His pre-trial motions are due on October 14; his proposed jury questions and jury charge are due on November 9; a pre-trial conference is scheduled for November 10; and a jury trial is scheduled for November 17.

II.

Counsel for defendant did not receive any discovery from the prosecutor until September 24, 2015. Thereafter, counsel relocated his law office during the weekend of September 25-27. It took a week to unpack and re-open the new office, establish telephone and Internet service, and return to the practice of law. Counsel was then out-of-state from October 9-12. Accordingly, defendant requests an extension of two weeks, until October 28, to review the Government's discovery, including the search warrant and the probable cause affidavit, and decide whether to file any pre-trial motions. The Government is not opposed to this extension.

Furthermore, the Government and counsel for defendant need more time to determine whether the case can be resolved without a trial or, if not, to prepare for trial. Counsel requests a continuance of the November 17 trial date, as well as the other related deadlines. The Government is not opposed to this continuance.

This motion is made in the interests of justice and not to delay the proceedings. Defendant requests that the Court grant this motion.

Respectfully submitted,

/S/ Josh Schaffer

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Attorney for Defendant
GREGG CARL BAIRD

CERTIFICATE OF CONFERENCE

I conferred with Sherri Zack, Assistant United States Attorney, on October 14, 2015, and she does not oppose this motion.

/S/ Josh Schaffer

Josh Schaffer

CERTIFICATE OF SERVICE

I served a copy of this document on Sherri Zack, Assistant United States Attorney, by electronic filing on October 14, 2015.

/S/ Josh Schaffer

Josh Schaffer

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ORDER

Baird's Unopposed Motion For An Extension Of Time To File Pre-Trial Motions And A Continuance Of The Trial Setting is **GRANTED**. Baird's pre-trial motions, if any, must be filed by October 28, 2015.

Signed at Houston, Texas, on October ____, 2015.

David Hittner
United States District Judge